MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2022 / 2023 SESSION

UIL2722 – ISLAMIC LAW II

(All Sections / Groups)

05 JULY 2023
Reading Time: 09:00 a.m. – 09:15 a.m.
(15 Minutes)

Answering Time: 09:15 a.m. – 12:15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes only in their question paper. Students then have the remaining **three hours** in which to answer the questions.

2. This question paper consists of 6 pages with 5 questions only.

3. Attempt **ALL** questions in PART A and **TWO** questions in PART B. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into the Examination Hall CLEAN and ORIGINAL copy of the following statute into the exam venue:
   i. Al Qur'an (English Translation)
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Write all your answers in the Answer Booklet provided.

PART A - ANSWER BOTH QUESTIONS

QUESTION 1

One day, Azman, arrived home in an intoxicated state, Habibah, his wife was just finishing up at home. He slammed right through the front door, ripping it from its hinges. Azman then began to kick, punch, and stomp on his wife, having recently had surgery on her back. After that, the assault continued. She was assaulted with a knife and suffocated by Azman after he struck her with a lamp, tore off her scalp, lit a cigarette on her, beat her, lashed her with a belt, and burnt her. As well as threatening to rip her tongue from her mouth, Azman allegedly made death threats against her. Then, Azman pushed Habibah towards a wall, smashing her head against the wall.

This brutality only stopped when their neighbour, Badrul heard a loud commotion from his house that he intervened and distracted Azman long enough for Habibah to escape from being abused continuously. Azman proceeded to punch Badrul's face, but Badrul ducked and retaliated by kicking his thigh. Badrul left the house after Azman was unconscious and advised Habibah to report the matter to the police to have him arrested for his violence against her.

Later that night, while Azman was sleeping in his bed, Habibah who was still traumatised and fear of the incident that happened earlier, took a rope and quickly tied up his both hands and legs and suffocated him with a pillow until he is died. Habibah has been brought to the police station for further investigation.

i) Discuss the possible offence that Habibah had committed and the punishment that follows should the offence(s) is proven according to Islamic Criminal Law.
(15 marks)

ii) Apply the relevant legal maxim(s) related to Habibah's action against Azman.
(10 marks)

(Total: 25 marks)

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QUESTION 2

i) Ahmad was performing his Tawaf for his Umrah. The situation around the Kaabah during that time was over congested. Ahmad was doing the final round of his Tawaf to complete all the seven rounds. As Ahmad walking around the Kaabah, he suddenly felt a hand touching his arm. He did not turn around to see who touched or accidentally touched him. He had in his mind, it could be a man, or it could be a woman. If it was a woman, it would cause his ablution (wudhu') to be void, thus he had to retake the ablution and re-do another round of tawaf as the earlier tawaf was invalid. However, Ahmad was not sure who touched him.

Advise Ahmad by referring to the relevant legal maxims.

(10 marks)

ii) *"Give the Faraid (the share of inheritance that are prescribed in the Al Quran) to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased"*

[Sahih Bukhari]

In light of the above Hadith, describe the five steps on estate distribution of a Muslim.

(15 marks)

(Total: 25 marks)

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PART B – ANSWER TWO (2) QUESTIONS ONLY

QUESTION 3

i) Asri was a university student out drinking beer at a bar. He started talking to Jamilah, a female student he knew from class, who was also having whisky. Asri and Jamilah then went back to Jamilah's apartment. Jamilah introduced Asri to her roommate Lisa. Jamilah fell asleep while Asri was cuddling her on the couch. Asri carried her down to her bedroom, took off her clothes, and slept on the bed with her.

Afterwards, Asri felt more sober, and heard noises from the living room. Asri got up and saw Lisa who was watching television. Lisa had a crush on Asri and when he did not notice, she slipped drugs into his drink which caused powerful hallucinations. Later, Lisa and Asri had sex, although Asri was hallucinating and thought Lisa was Jamilah.

The effects of the drug wore off, and Asri quickly realized he had been tricked. He felt violated and enraged and struck Lisa in the head with a paperweight, killing her instantly. Meantime, Jamilah awoke from her deep sleep when she heard a loud knocking on the door. The door was opened by Asri and there were two policemen and three enforcement religious' officers. Asri and Jamilah were arrested.

Discuss the possible crime(s) under Islamic Criminal Law that Asri and Jamilah can be charged at and their possible defence(s). Support your answer with relevant justifications and authorities.

(15 marks)

Continued...

ii) Amir is angry at Akmal and Karim, for talking to her'chatting up' his girlfriend at a birthday party. Amir decides to confront Akmal and Karim to 'chat it out – man to man' at the gym they all attend regularly. However, very quickly, an argument ensues. At some stage during the argument, Akmal picks up a metal dumbbell and waves it at Amir. Amir manages to knock the dumbbell out of Akmal's hand. At this point Amir 'snaps' and in a sudden fit of anger he picks up the dumbbell and hits Akmal over the head with it numerous times. He then grabs a metal bar from the rack and strike Karim multiple times to his head and body. At this point, fellow gym members Ghani and Saleh manage to restrain Amir. Karim is dead, however, Akmal is still alive.

Discuss the criminal liability under Islamic Criminal Law of the relevant parties in the above question.

(10 marks)

(Total: 25 marks)

QUESTION 4

i. Tan Sri Kamal, a well-known rich businessman, passed away in a sudden unexpected death during his sleep. He left the survivors of a wife, father, mother, two sons and one adopted daughter. Before his death, Tan Sri Kamal had executed a Will in which he disposed half of his property to Yayasan Darul Iman, a charity foundation in his hometown, Kedah.

During his lifetime, he had also told his trustee that he planned to give some of his property by Hibah to her adopted daughter, Amelia as he knew that she would not be entitled to inherit his property. However, the Hibah had never been executed.

Due to his sudden death, Puan Seri Suria (Tan Sri Kamal's wife) had requested for a post-mortem being carried out on the Tan Sri Kamal's dead body. The post-mortem report had caused an intense surprise to everyone as Tan Sri Kamal was found to be poisoned that caused him to die. The investigation was immediately conducted and from the evidence and CCTV record, it was found that the doer was his eldest son, Farid.

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Tan Sri Kamal had left the following estate:

- Tabung Haji Fund
- Maybank Savings Account
- Share Units in Syarikat Kembang Maju
- 10 acres of land in Ayer Keroh
- A Bungalow at Ozana Golf Country Heights
- Cars; Mercedes Benz, Bentley and Aston Martin.

Based on the above facts and situation, discuss all possible claims, position as well as distribution ratio of the parties according to Islamic Inheritance Law, Wasiyyah as well as Hibah.

(19 marks)

ii During his lifetime, Tan Sri Kamal had once said to his wife "If I died, I wish my cemetery would be in Ukay Perdana Muslim Cemetery, near my brother's,". Apart from that, there was a man who turned up claiming that the late Tan Sri Kamal was indebted to him during his lifetime for an amount of RM10,000 in which he brought the documents and agreements to prove the claim.

Based on the above, discuss matters to be settled before Tan Sri Kamal's property can be distributed accordingly.

(6 marks)

(Total: 25 marks)

QUESTION 5

Discuss the situations below based on Islamic legal maxims:

i. Ismail and Halimah have been in a turbulent marriage. One day both had another argument and Ismail shouted at Halimah, *"Packed all your things and leave this house. Don't even think of coming back here anymore!"*
Leaving confused, Halimah went and reported the matter to the Shariah Court.

(8 marks)

Continued...

ii. Ali purchased a new car and after a week he discovered that the car was substantially defective. He brought the car back to the car dealer and demanded full repayment and revoke the contract.

(8 marks)

iii. Jaafar is diagnosed with a very rare condition, when his skin is in contact with water shall cause itchy, red hives, swelling and can cause shortness of breath. Therefore, he must perform tayammum before he performs his daily prayer to avoid further illness.

(9 marks)

(Total: 25 marks)

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